

Calendar No. 1014

110TH CONGRESS
2D SESSION**H. R. 903**

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2007

Received; read twice and referred to the Committee on Energy and Natural
Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**AN ACT**

To provide for a study of options for protecting the open
space characteristics of certain lands in and adjacent
to the Arapaho and Roosevelt National Forests in Colo-
rado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the
5 “Colorado Northern Front Range Mountain Backdrop
6 Protection Study Act”.

7 (b) ~~FINDINGS.~~—Congress finds the following:

1 (1) Rising dramatically from the Great Plains,
2 the Front Range of the Rocky Mountains provides
3 a scenic mountain backdrop to many communities in
4 the Denver metropolitan area and elsewhere in Colo-
5 rado. The portion of the range within and adjacent
6 to the Arapaho and Roosevelt National Forests also
7 includes a diverse array of wildlife habitats and pro-
8 vides many opportunities for outdoor recreation.

9 (2) The open space character of this mountain
10 backdrop is an important esthetic and economic
11 asset for adjoining communities, making them at-
12 tractive locations for homes and businesses.

13 (3) Rapid population growth in the northern
14 Front Range area of Colorado is increasing rec-
15 reational use of the Arapaho and Roosevelt National
16 Forests and is also placing increased pressure for
17 development of other lands within and adjacent to
18 that national forest.

19 (4) Efforts by local governments and other enti-
20 ties have provided important protection for portions
21 of this mountain backdrop, especially in the northern
22 Denver metropolitan area. However, some portions
23 of the mountain backdrop in this part of Colorado
24 remain unprotected and are at risk of losing their
25 open space qualities.

1 (5) It is in the national interest for the Federal
2 Government, in collaboration with local communities,
3 to assist in identifying options for increasing the
4 protection of the mountain backdrop in the northern
5 Front Range area of Colorado.

6 (c) PURPOSE.—The purpose of this Act is to identify
7 options that may be available to assist in maintaining the
8 open space characteristics of lands that are part of the
9 mountain backdrop of communities in the northern section
10 of the Front Range area of Colorado.

11 **SEC. 2. COLORADO NORTHERN FRONT RANGE MOUNTAIN**
12 **BACKDROP STUDY.**

13 (a) STUDY AND REPORT.—The Secretary of Agri-
14 culture, acting through the Chief of the Forest Service and
15 in consultation with the State and local officials and agen-
16 cies specified in subsection (c), shall review the lands with-
17 in the study area and, not later than one year after the
18 date of the enactment of this Act, shall report to such
19 officials and to Congress regarding the following:

20 (1) The present ownership of such lands.

21 (2) Which undeveloped land may be at risk of
22 development.

23 (3) Actions that could be taken by the United
24 States, the State of Colorado or a political subdivi-

1 sion of such State, or any other parties to preserve
 2 the open and undeveloped character of such lands.

3 (b) DEFINITIONS.—For the purposes of this section,
 4 the following definitions apply:

5 (1) STUDY AREA.—The term “study area”
 6 means those lands in southern Boulder, northern
 7 Jefferson, and northern Gilpin Counties, Colorado,
 8 that are situated west of Colorado State Highway
 9 93, south and east of Colorado State Highway 119,
 10 and north of Colorado State Highway 46, excluding
 11 lands within the city limits of the cities of Boulder
 12 or Golden, Colorado, as generally depicted on the
 13 map entitled “Northern Front Range Mountain
 14 Backdrop Study Area” dated April, 2006.

15 (2) UNDEVELOPED LAND.—The term “undevel-
 16 oped land” means land that—

17 (A) is located within the study area;

18 (B) is free or primarily free of structures;

19 and

20 (C) the development of which is likely to
 21 adversely affect the scenic, wildlife, or rec-
 22 reational value of the study area.

23 (c) CONSULTATIONS.—In implementing this Act, the
 24 Secretary shall consult with the following:

1 ~~(1) The Colorado Department of Natural Re-~~
 2 ~~sources.~~

3 ~~(2) Colorado State Forest Service.~~

4 ~~(3) Colorado State Conservation Board.~~

5 ~~(4) Great Outdoors Colorado.~~

6 ~~(5) The Boards of County Commissioners of~~
 7 ~~Boulder, Jefferson, and Gilpin Counties, Colorado.~~

8 ~~(d) RULE OF CONSTRUCTION.—Nothing in this Act~~
 9 ~~shall be construed as authorizing the Secretary of Agri-~~
 10 ~~culture to take any action that would affect the use of~~
 11 ~~any lands not owned by the United States.~~

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Colorado Northern Front*
 14 *Range Mountain Backdrop Protection Study Act”.*

15 **SEC. 2. PURPOSE.**

16 *The purpose of this Act is to identify options that may*
 17 *be available to assist in maintaining the open space charac-*
 18 *teristics of land that is part of the mountain backdrop of*
 19 *communities in the northern section of the Front Range*
 20 *area of Colorado.*

21 **SEC. 3. DEFINITIONS.**

22 *In this Act:*

23 (1) *SECRETARY.—The term “Secretary” means*
 24 *the Secretary of Agriculture, acting through the Chief*
 25 *of the Forest Service.*

1 (2) *STATE*.—*The term “State” means the State*
 2 *of Colorado.*

3 (3) *STUDY AREA*.—

4 (A) *IN GENERAL*.—*The term “study area”*
 5 *means the land in southern Boulder, northern*
 6 *Jefferson, and northern Gilpin Counties, Colo-*
 7 *rado, that is located west of Colorado State*
 8 *Highway 93, south and east of Colorado State*
 9 *Highway 119, and north of Colorado State*
 10 *Highway 46, as generally depicted on the map*
 11 *entitled “Colorado Northern Front Range Moun-*
 12 *tain Backdrop Protection Study Act: Study*
 13 *Area” and dated August 27, 2008.*

14 (B) *EXCLUSIONS*.—*The term “study area”*
 15 *does not include land within the city limits of*
 16 *the cities of Arvada, Boulder, or Golden, Colo-*
 17 *rado.*

18 (4) *UNDEVELOPED LAND*.—*The term “undevel-*
 19 *oped land” means land—*

20 (A) *that is located within the study area;*

21 (B) *that is free or primarily free of struc-*
 22 *tures; and*

23 (C) *the development of which is likely to af-*
 24 *fect adversely the scenic, wildlife, or recreational*
 25 *value of the study area.*

1 **SEC. 4. COLORADO NORTHERN FRONT RANGE MOUNTAIN**
2 **BACKDROP STUDY.**

3 (a) *STUDY; REPORT.*—Not later than 1 year after the
4 date of enactment of this Act and except as provided in
5 subsection (c), the Secretary shall—

6 (1) *conduct a study of the land within the study*
7 *area; and*

8 (2) *complete a report that—*

9 (A) *identifies the present ownership of the*
10 *land within the study area;*

11 (B) *identifies any undeveloped land that*
12 *may be at risk of development; and*

13 (C) *describes any actions that could be*
14 *taken by the United States, the State, a political*
15 *subdivision of the State, or any other parties to*
16 *preserve the open and undeveloped character of*
17 *the land within the study area.*

18 (b) *REQUIREMENTS.*—The Secretary shall conduct the
19 study and develop the report under subsection (a) with the
20 support and participation of 1 or more of the following
21 State and local entities:

22 (1) *The Colorado Department of Natural Re-*
23 *sources.*

24 (2) *Colorado State Forest Service.*

25 (3) *Colorado State Conservation Board.*

26 (4) *Great Outdoors Colorado.*

1 (5) *Boulder, Jefferson, and Gilpin Counties, Col-*
2 *orado.*

3 (c) *LIMITATION.—If the State and local entities speci-*
4 *fied in subsection (b) do not support and participate in*
5 *the conduct of the study and the development of the report*
6 *under this section, the Secretary may—*

7 (1) *decrease the area covered by the study area,*
8 *as appropriate; or*

9 (2)(A) *opt not to conduct the study or develop*
10 *the report; and*

11 (B) *submit to the Committee on Energy and*
12 *Natural Resources of the Senate and the Committee*
13 *on Natural Resources of the House of Representatives*
14 *notice of the decision not to conduct the study or de-*
15 *velop the report.*

16 (d) *EFFECT.—Nothing in this Act authorizes the Sec-*
17 *retary to take any action that would affect the use of any*
18 *land not owned by the United States.*

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